

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Sedrick Jamon Hayes,

Plaintiff,

vs.

Corporal S. Eli; Sergeant Karen Scott;
Captain Darren Yarborough,

Defendants.

C/A No. 1:21-cv-01549-JFA-SVH

ORDER

Plaintiff Sedrick Jamon Hayes (“Plaintiff”), a self-represented prisoner, moves this court for an extension of time retroactively applied to this matter. (ECF No. 42). Plaintiff requests an extension to respond to Defendants’ dispositive motion filed on September 17, 2021, based on the argument that he was without legal utensils while in transit on September 23, 2021 from Irwin County Detention Center in Ocilla, Georgia, for 23 days and a further 28 days while in transit on October 21, 2021 from Atlanta, Georgia, to Coleman, Florida. *Id.* The Federal Correctional Complex in Coleman, Florida, is Plaintiff’s destination. *Id.*

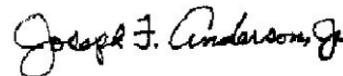
The Magistrate Judge issued a Report and Recommendation (“Report”) on October 22, 2021, finding that the Plaintiff failed to respond to Defendants’ motion for summary judgment and this action was thus subject to dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 32). This court adopted the Magistrate Judge’s Report on November 29, 2021, after Plaintiff failed to object to the Magistrate Judge’s Report on November 5, 2021, as required in the Report. (ECF No. 39). However, Plaintiff now asserts

that he was in transit and unable to object to the Magistrate Judge's Report in a timely fashion. (ECF No. 42). On December 13, 2021, Plaintiff filed the motion for an extension of time and included a notice of change of address. *Id.* Additionally, the order ruling on the Report and the Judgment were returned to the court as undeliverable on December 22, 2021. (ECF No. 44). Given the extended nature of transit, Plaintiff has shown good cause for the extension requested.

The court now vacates the Order adopting the Report and Recommendation and the Judgment and directs this matter back to the Magistrate Judge for further proceedings on Defendants' Motion for Summary Judgment. Plaintiff will have 30 days from the date of this order to respond to Defendants' motion for summary judgment. The clerk is ordered to send Plaintiff a copy of the motion for summary judgment (ECF No. 23), the corresponding attachments and exhibits (ECF Nos. 23-1 - 5), and the *Roseboro* order (ECF No. 24).

IT IS SO ORDERED.

December 28, 2021
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge